

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOHNNIE AULT, *Individually and as Special  
Administrator of the Estate of Bryan W. Ault,  
deceased,*

Plaintiff,

vs.

SCHLUMBERGER, LTD., TRANSOCEAN,  
LTD, HARBINGER GROUP, INC., and BP,  
PLC.,

Defendants.

Case No. 12-cv-833-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the plaintiff Johnnie Ault's and defendant Harbinger Group, Inc.'s joint stipulation of dismissal without prejudice (Doc. 22) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that "a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared." Because plaintiff has an absolute right to dismiss this case pursuant to a stipulation under Rule 41(a)(1)(A)(ii), the Court finds that the claims against defendant Harbinger Group, Inc., are **DISMISSED without prejudice.**

**IT IS SO ORDERED.**

**DATED:** October 15, 2012

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**